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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/419,849 10/19/99 KRIVITSKI N 86017.000010

023387 MMC2/1001 EXAMINER
HARTER SECREST & EMERY, LLP
1600 BAUSCH & LOMB PLACE
ROCHESTER NY 14604-2711

DICKENS, C
ART UNIT PAPER NUMBER

2855

DATE MAILED:

10/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/419,849	Applicant(s) Krivitski et al.
Examiner DICKENS	Group Art Unit 2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 11-1-00

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-33 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-33 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. *W/ attachment*

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 23,516 Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 *W/ attachment* Other _____

Office Action Summary

1. The disclosure is objected to because of the following informality on page 16, line 13, "20" should be --22--. Appropriate correction is required.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

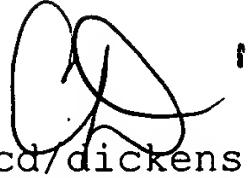
A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Krivitski et al. Krivitski et al. teaches an apparatus used in the method of determining an initial flow rate of a liquid, i.e., blood, in a conduit 12 having a catheter (26, 32) comprising: introducing a discrete volume change to the initial flow rate by injecting, in an injection port (40, 70), or withdrawing the discrete volume from the conduit (col. 5, lines 50-63); sensing (50, 60), within a conduit, a corresponding resulting change, which includes sensing an upstream location 14 and a downstream location 18, in the flow in the conduit using a flow, velocity, optical and pressure sensors (col. 2, lines 10-16); and determining the initial flow rate in response to the introduced volume change and the sensed resulting change (col. 5, line 64 - col. 6, line 67); wherein sensing a corresponding resulting change includes sensing a dilution indicator (col. 6,

lines 18-28); controller 58 configured to determine the initial flow rate in response to the known volume change and the corresponding change; wherein introducing the volume of the indicator includes introducing a solution including at least one of saline and glucose into the conduit (col. 5, lines 56-59).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.


cd/dickens
September 30, 2001


Benjamin R. Feltz
Examination Division Director
Technology Center 2100